

**TIVERTON PLANNING BOARD**  
**MINUTES OF PLANNING BOARD ZONING SUBCOMMITTEE WORKSHOP**  
**July 20, 2010**

A workshop was held at 7:02 P.M at the Tiverton Town Hall, 343 Highland Road Tiverton. Board members present were: Chair Stephen Hughes, Patricia Cote, Carol Guimond (new member), Elizabeth Kinnane (new member), Peter Moniz, Frank DiMauro and Stuart Hardy. Also present were: Town Planner Christopher Spencer and Planning Board Clerk and Administrative Officer Kate Michaud. The Chair welcomed the two new Board members to their first meeting.

**1. Discussion regarding proposed Zoning Text and Map Amendment relating to Tiverton Four Corners**

Both new members, Ms. Guimond and Ms. Kinnane recused themselves from the discussion due to their status as abutters to the proposed area and left the table. The Chair noted that at the last meeting (July 6th), he had suggested that the neighbors and business people in the area should get together to discuss the proposed amendments and come back to the Planning Board with some suggestions. Barbara Martin, 313 Neck Road, stated that she thought that this meeting was being convened in order to give the residents and business people an opportunity to meet with the Board. The Chair stated that the Board would hear input from individuals, but that he had hoped to receive some collective comments.

Ms. Martin presented a petition to the Board signed by nineteen (19) individuals (See file). The petition *requested* the Board to form a working representative group of citizens in order to advise the Planning Board on potential rezoning in this area. The petition also asked the Board to defer action until such time that sufficient input is received. Ms. Martin stated that she had not had a chance yet to discuss the petition with the merchants in the area, but that she would do so. Mr. Moniz asked if there was a homeowner's association in the area. Ms. Martin replied in the negative.

Glen Allen, 46 Peaceful Way, stated that he had to lower his well pump twice since he moved to this address in 1996. He stated that the well pump was as low as it could go and expressed his concern that the well could go dry, noting that there was no public water in the area, and that everyone in the area uses the same aquifer.

Tricia Hilton, 99 Peaceful Way, stated that she was also concerned about well water. She stated that she had spoken with Ernie Panciera of RIDEM (Rhode Island Department of Environmental Management) about her concerns and Mr. Panciera had told her that her concerns were valid and that there have been 6 occurrences across Rhode Island where increased water usage (residential or high use commercial) had stripped the aquifer. Ms. Hilton stated that 3 communities have ordinances regarding this issue and noted that Rhode Island is one of 8 states with a rule of "absolute domain" over water and that the (Tiverton) residents would have no recourse if the aquifer ran dry.

Ms. Hilton stated that one of the benefits of the existing R-80 zoning is that it helps to protect water quality and supply. She asked the Board to look into the amount of water in the aquifer that is available to supply the area at buildout. She also noted that so far there was no leaching of contaminants out of the Town's landfill. She opined that if the aquifer was stressed, it could potentially cause leaching. Ms. Hilton suggested that the Board should request help from RIDEM, URI and Brown University.

Barbara Pelletier, 104 Bonniefield Drive, stated that she is a member of the Town's Municipal Buildings Feasibility Advisory Committee and asked if Nonquit School would be included in the area proposed for rezoning. She was advised that Nonquit School was not in the proposed area. Mrs. Pelletier also stated that she hoped that the Town would replant the cathedral of elm trees in the area.

Richard Guimond, 37 Neck Road, stated that his well was 275 feet deep and expressed his concern about the level of water in his well and with the availability of water in the area. He also noted that there were no public sewers in the area and expressed his concern regarding future conditions.

Mr. Hardy stated that he was on the Town's Landfill Subcommittee and that he shared the neighbors' concerns. He asked if the neighbors were objecting to the businesses that currently exist or the ability of new businesses to occupy the existing storefronts. Mr. Guimond replied that they have learned to live with what was there, but that it is like "10 pounds of marbles in a 5 pound bag".

Mr. Hardy asked if the neighbors were concerned about the loss of historic integrity of the buildings and/or the area. Mr. Guimond replied that this was an issue of concern, but that he was concerned with who would bear the expense of conservation. He noted that businesses come and go, but the residents will always be there. He also opined that it did not make sense to expand the district when there are existing vacant stores.

Cynthia Allen, 46 Peaceful Way, opined that a compromise would be possible, noting that (property owner) James Weir had invested a lot of money in the area. She also stated that she felt that certain people who own property are trying to make their properties more valuable to future buyers. Ms. Allen stated that she could not support the overall expansion proposal, which would represent a huge change in the Village Commercial (VC) Zone. She opined that there must be something that could be done to protect the homeowners and the existing businesses. She urged the Planning Board to take "baby steps". Ms. Allen also noted that if a casino was developed in Fall River, Tiverton would become more attractive. She also stated that the Board should ensure that drinking water is available.

Mr. Hardy asked Ms. Allen how she would react to a Historic Zone with a Historic District Commission. Ms. Allen replied that it could be one of many possibilities to explore.

Mr. DiMauro opined that there was a misconception regarding the scale of the proposed district expansion stating that only a small number of new lots would be included. Barbara Martin, 313 Neck Road, presented a map depicting the existing historic district and stated that she was concerned with Lots 26, 25, 24, 16A, 17 and 18. She also noted that the establishment of a Historic Zoning District would help to alleviate her concerns.

Pamela Sobel, 61 Peaceful Way, asked if there were any laws in place to protect trees. Mr. Moniz replied that if a tree is located on Town property, permission from the town's tree warden would be required to cut or spray the tree and stated that there were no rules for trees located on private property. Ms. Sobel noted the importance of trees for wildlife habitat. Mr. Hardy stated that the Planning Board could have some influence for a project appearing before them. Mr. Spencer noted that there was no Planning Board oversight within the R-80 Zoning District either through Design Plan or Site Plan Review.

Ms. Pelletier asked how non-residential development would add to the tax base and if there had been a projection of property tax revenue. The Chair replied that it would be difficult to predict what would be built. Ms. Pelletier asked if improved infrastructure would cost the Town money. Mr. Spencer replied that the roads within the area (Main Road and East Road) were State roads. He opined that the State might be more likely to build sidewalks in the area if there were more businesses. Mr. Hardy added that a Historic Zoning District designation might also elevate any requests to the State. Mr. Moniz noted that Barrington had recently received improvements through the political process, without a Historic Zoning District and asked what actions had been taken by the Town's Historic Preservation Advisory Committee. Mr. Hardy replied that there were only two members on the committee (he was one of them).

James Lima, owner of 47 Neck Road, asked the Board to think about a 50-year perspective. He noted that this area is a national treasure and that the Planning Board and Town Council held an important role as stewards. Mr. Lima noted his concerns regarding process and precedent. He expressed his concern regarding stormwater recharge, flood prevention, merchant health, the need for economic growth, strengthening a healthy mixed-use district and attracting new merchants to vacant storefronts. He opined that a "technical cleanup" of the zoning in the area would be a very worthwhile effort, which should be undertaken parallel to an effort to establish a legal Historic Zoning District with regulatory authority.

Mr. Lima noted that the current commercial property owners have been incredible stewards and patrons, but that no one could predict who would own these properties in the future or who would be charged with enforcement. He suggested that the proposed overlay district should be narrower, such as the district in East Hampton, NY. He also suggested that the width of such districts in other places should be researched. He asked how public input on the proposal was solicited, noting that he is an abutter and had never contacted.

The Chair stated that the process for rezoning began with meetings between Mr. Spencer and the merchants in the area and had proceeded with a Planning Board site walk of the area (May 19, 2010). Based on his research, Mr. Spencer had drafted the proposed amendments. Mr. Spencer noted that he had also made a presentation to the Tiverton Land Trust and had presented at the Rhode Island Historic Preservation Conference, which was held in Tiverton and Little Compton this year. He noted that he had not reached out to each individual abutter. Mr. Spencer stated that the Planning Board would continue to hold public meetings. Once the Planning Board had voted on a recommendation, it would be sent to the Town Council who would send out abutter's notices via certified mail and newspaper advertising (for a public hearing). Mr. Spencer noted that this was the process for all Zoning Map amendments.

Mr. Lima opined that it would not be difficult to include more people in the "front end" of the process and that the Planning Board should rely on public input from a wide base of people. The Chair suggested that the neighbors should come back to the Board with some specific input noting that this was the Planning Board's third or fourth meeting on this topic, and that they had received some good points to take into consideration.

Mr. Lima requested that Mr. Spencer lead a group as a discussion facilitator in a work session for interested parties. He opined that those parties could get to common ground fairly quickly. The Chair stated that this would be fine, adding that he would like to see one or two spokespersons from the group. Mr. Lima stated that Historic District Zoning should also be considered.

Len Schmidt, Economic Development Commission (EDC) President, noted that this process began as a function of looking at what Tiverton Four Corners should look like. He stated that the EDC became involved in trying to help obtain funding for infrastructure improvements (such as sidewalks). Mr. Schmidt noted that he had come to realize how many existing businesses were non-conforming, which could create an issue for property transfers. He noted the need for middle ground, where practical changes could be made that also address the residents' concerns regarding issues such as water usage. Mr. Schmidt urged residents and business owners to work together to move forward.

Ms. Hilton suggested that Mr. Spencer meet with the residents and business owners to answer questions and come up with a set of conclusions to bring back to the Planning Board. She noted that this could eliminate some misconceptions regarding the written proposal. Mr. Spencer replied that this was an excellent idea. He noted that this would not be a Planning Board meeting, so he was unsure how to notify people. It was decided that interested parties would submit their email addresses to the Planning Board office for inclusion on an email blast list. Mr. Weir offered the Meeting House as a venue.

Ms. Martin asked if a Historic District Zone should be pursued simultaneously. She noted that there were people who would help with the process, who had also helped in Bristol, RI. A discussion ensued. Ms. Martin asked if there was any reason why this process must proceed quickly, other than the need for zoning to comply with the updated Comprehensive Community Plan. Mr. Spencer replied that he did not feel that the process had been proceeding quickly, noting that the total update of zoning was supposed to be completed within 18 months of the Comprehensive Plan's approval (Town approval was June 2009, State approval was November 2009).

The date for the informal meeting with Mr. Spencer was tentatively set for July 28th at 5:00 P.M. with a location to be determined with an email sent to interested parties. Mr. Spencer also agreed to place the latest version of the proposed amendments, as well as the existing language regarding the Watershed Protection Overlay District, on the Town's website. Mr. Moniz suggested that Lorraine Joubert at URI should be contacted regarding well water protection.

The workshop was adjourned at 9:05 P.M.

Submitted by: \_\_\_\_\_  
Kate Michaud

Approval Date: September 14, 2010